IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3746 OF 2004

Surendrakumar Phoolchand
Jain and Anr. .. Petitioners

Versus

The State of Maharashtra .. Respondents

Mr.A.M.Saraogi for petitioner
Mr.B.H.Mehta, A.P.P. for State.

CORAM : A.M.KHANWILKAR, J.

DATE : SEPTEMBER 15, 2004.

P.C.

1. Heard the learned Counsel appearing for parties. Perused the record. It is not in

dispute that the co-accused No.4 who was directly involved in the commission of offence has already been released on bail. This application has been resisted by the A.P.P. on the argument that the applicant has no permanent place of abode in Mumbai and he is the master mind behind the conspiracy. It is also contended that other two co-accused are absonding. Even so, as investigation is complete, insofar as the present applicants are concerned and charge sheet has also been filed, merely because the co-accused are absconding, cannot be the basis to deny bail to the present applicant, especially when the main accused who was involved in the commission of the offence has already been released on bail. Indeed, as the applicants are not permanent resident of Mumbai, the applicants will have to be put to strict terms. The application is accordingly allowed on the following conditions:-

a) Applicants be released on bail in

relation to C.R.No.114 of 2004 registered with D.B.Marg Police Station on execution of P.R.Bond in the amount of Rs.1 lakh each with two local sureties in the like amount;

b) The applicants shall regularly attend D.B.Marg Police Station once in a month on Saturday between 11.00 a.m. to 5.00 p.m.

c) The applicants shall not tamper with the prosecution evidence in any manner whatsoever;

d) The applicants shall regularly attend the trial of the case on every date and fully cooperate with the early disposal of the case.

e) The applicants shall also in

addition report to the Chattarpur Police Station, Chattarpur, Madhya Pradesh in which jurisdiction the applicants have permanent place of abode;

f) It will be open to the applicants to initially deposit cash and then to furnish sureties within a week's time from the date of release. Besides depositing cash, the applicants shall deposit original documents of the property owned and possessed by them or their family members which is their permanent place of abode with the Investigating Officer, to be returned only upon furnishing sureties.

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